

8 June 2022

Roger Jaensch, Minister for Education, Children and Youth

Raising the minimum age of detention

The Tasmanian Liberal Government will raise the minimum age of detention from 10 to 14 as part of our comprehensive reform of the Youth Justice System in Tasmania.

This will be one key element in our plan to build a nation-leading, best practice approach to young people in conflict with the law.

We know that detention does not support rehabilitation or reduce the likelihood of re-offending for younger children. Early exposure to a detention environment can also further traumatise young people, expose them to problem behaviours of older detainees and increase criminal networks.

There will always be a need for secure detention as a last resort for a very small minority of young people who commit the most serious offences, and to ensure community safety.

This change will help ensure that the detention of young people in Tasmania is truly a last resort.

Through our comprehensive reforms, we will enhance responses across the entire Youth Justice service system. This will include:

- a greater focus on prevention and early intervention;
- additional options to divert young people away from the formal court system;
- a broader range of community-based sentencing options available to courts; and
- trauma informed, therapeutic and restorative interventions for high-risk young offenders, including new custodial facilities.

Only as we implement these new initiatives will we be in a position to remove detention as an option for the younger, more vulnerable cohort. This will apply to both sentenced and unsentenced detention (i.e. remand).

Importantly, in raising the minimum age of detention, we will ensure that powers of Police relating to arrest, searching, and holding young people ages 10 and over for the purposes of investigating crime will remain. Exceptions for serious crimes, and in the interest of community safety, will be identified during development.

Raising the minimum age of detention will require legislative amendment to the *Youth Justice Act 1997*. This will occur together with a suite of amendments identified as part of our whole system reform. Under our Youth Justice Reform Transition Plan this is anticipated to occur near the end of 2024.

It is important to note that raising the minimum age of detention is separate and distinct issue to the age of criminal responsibility, which will continue to be considered through the national Meeting of Attorneys-General. As our Attorney General Elise Archer has said, it is our preference for a nationally consistent position on the minimum age of criminal responsibility.

The Tasmanian Government is fulfilling our commitment to young people at-risk or in conflict with the law, giving them a chance at a better future.

This is a Government with integrity and heart, one that is courageous, accountable and delivers on its commitments.